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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,984

08/04/2008

Lars Bratthall

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EXAMINER

LIU, HARRY K

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,984	<b>Applicant(s)</b> BRATTTHALL ET AL.	
	<b>Examiner</b> HARRY LIU	<b>Art Unit</b> 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21,27-35,37,41 and 45-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21,27-35,37,41 and 45-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/22/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicant's election of group I dated 7/22/2010 and letter dated 9/24/2010 has been received. After further review of the restriction action, the election requirement has been withdrawn. However, the step of storing position information found in claims 1 and 20 will be treated as the same step of recording position in claim 28.

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In FIG. **3A**, the **facility/plant 30** is not shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following claim(s) , claim limitations are read as merely intended use and can not be used to patently distinguish the claim over the prior art:

In claim 1, line 1, “for recording”; line 2 “for an industrial process”; claim 28, line 1, “for an industrial process” and line 2 “for recording”;

Even if the **fors** found in claims 1 and 28 are read as adding structure, they are still met by the prior art.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-11, 13, 18-21, 28-32, 35, 37-38, 41 and 46-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Chadha (2004/0176107).

Regarding claims 1-2, 20-21, 28-29, Chadha discloses a control system of an industrial facility for an industrial process system for recording the position of at least one component in a location system of the control system, the control system comprising:

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- a mobile information processing device (Task Management,),
- a computer program (use of computer implies program executed),
- graphical user interface,
- a positioning system (a wireless system such as GPS or cellular locating

system is placing a device/detector to detect **coordinates**),

- a location system (a location system is a **model**), and
- a computer (see FIG. 2 and paragraph 0025, computer stores records).

Regarding claim 30, Chadha discloses the mobile information processing device further comprising:

- a processor (a GSM device has processor, paragraph 0028-0029),
- memory means (a GSM device comprises memory/storage),
- standard interface (user interface),
- input means (GSM device has input means such as touch screen, keypad).

Regarding claims 31-32, 35, Chadha discloses the mobile information processing device further comprising:

- a radio antenna (GSM antenna),
- radio transmitter/receiver (GSM TRX),
- wireless means and a wireless hardware member.

Regarding claim 37, Chadha discloses use of server which comprises database (Abstract).

Regarding claim 38, Chadha discloses the control system further comprising website (web server, paragraph 0028).

Regarding claims 3, 9-10, 13, 41, 47, Chadha discloses the control system further comprising **GPS/Positioning** (wireless) system (paragraph 0016).

Regarding claim 46, 48, Chadha discloses the mobile information processing device further comprising a PDA (paragraph 0013).

Regarding claim 49, Chadha discloses the wireless access to information comprises Bluetooth (paragraph 0041).

Regarding claims 4, 8, 11, 50-52, Chadha discloses the component (**wireless** device) has individual **identification** attached (**GSM** device has SIM card ID and base station is a node).

Regarding claim 5, Chadha discloses the wireless network includes a 802.11 standard which is a wireless local area network.

Regarding claims 6-7, 18, 53-57, Chadha discloses the system comprising a graphical interface for recording the position of at least one component in a location system comprising: inherently a **display** (graphical interface comprises a display)(paragraph 0025) to display one component; display position and an **input** member to register position (entering of coordinates, paragraph 0025).

Regarding claim 19, Chadha discloses the mobile information processing device communicates with the control system through a cable (wired, see FIG. 2).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chadha (2004/0176107) in view of Marcoccia (6169761).

Regarding claims 33-34, Chadha does not disclose use of ISM band or data packet re-sent at different frequencies in the spectrum (frequency hopping). However, Marcoccia teaches use of ISM/Industrial band with spread spectrum and frequency hopping techniques for clear channels/avoiding interference. It would have been obvious to modify Chadha with Marcoccia with claimed features in order to further utilize available frequency spectrum with less interference.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chadha (2004/0176107) in view of Cohen (2003/0126622).

Regarding claim 12, Chadha does not disclose identifying the component in the system by image recognition. However, Cohen teaches use of images to identify object and determines coordinates for the object (paragraph 0053). It would have been obvious to modify Chadha with Cohen by incorporating claimed feature in order to differentiate/identify component in system with matching coordinates.

6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chadha (2004/0176107) in view of Curl (2004/0160342).

Regarding claims 14-17, Chadha does not disclose navigating through the system or separating in sub-areas. However, Curley teaches a remote display system with claimed features (paragraph 0025). It would have been obvious to modify Chadha

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with Curley by incorporating claimed features in order to control and monitor a system remotely.

### ***Conclusion***

Applicant is recommended to amend the claims with intended use by changing “for” into –configured—in order to overcome the rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry Liu whose telephone number is 571-270-1338.

The examiner can normally be reached on every Tuesday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, please **leave a voice message** with application serial number and nature of call, a response within 24 hours can be expected during regular business days. Also, the examiner’s supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2338. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO



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Customer Service Representative or access to the automated information system, call  
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harry Liu/

Examiner, Art Unit 3662